

No. 16-16659

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MANUEL DE JESUS ORTEGA MELENDRES, on behalf
of himself and all others similarly situated, et al.,
Plaintiffs – Appellees,

UNITED STATES OF AMERICA,
Intervenor-Plaintiff-Appellee,

v.

JOSEPH ARPAIO, et al.,
Appellants,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA AT PHOENIX

No. 2:07-CV-02513 (Honorable G. Murray Snow, United States District Judge)

**APPELLANT SANDS’ MOTION TO EXTEND BY SEVEN DAYS THE TIME TO
RESPOND TO PLAINTIFF – APPELLEES’ MOTION TO DISMISS MOVANT-
APPELLANT BRIAN SANDS’ APPEAL**

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Pursuant to Fed. Rules App. Proc. 26(b) Appellant Brian Sands respectfully requests that this Court enter an Order:

1. Extending the time for him to file a response to Plaintiff – Appellees’ Motion to Dismiss by seven days.

Plaintiff – Appellees’ Motion to Dismiss was filed on June 2, 2017. DktEntry 25-1. Pursuant to Fed. Rules App. Proc. 26 a response is due within 10 days, i.e. June 12, 2017. Sands seeks an extension of seven days in which to respond to Plaintiffs – Appellees’ Motion to Dismiss.

Rule 26(b) provides that for good cause, this Court may extend the time prescribed by these rules. Sands would submit that good cause exists for the extension of seven days in which to file his response to Plaintiffs – Appellees’ Motion to Dismiss.

Due to professional and personal commitments Sands’ counsel seek an extension of seven days in which to respond to Plaintiffs – Appellees Motion to Dismiss. The professional commitments include, but are not limited to, preparing a response to the USA’s Motion to Dismiss. The personal commitments include an out of town trip planned for June 9 – 12, 2017.

Sands’ response to the Plaintiffs – Appellees’ motions to dismiss will also seek affirmative relief of vacatur if this Court deems his appeal moot.

Pursuant to Circuit Rule 27-1 counsel for Sands communicated with Plaintiffs – Appellees’ counsel as to the Plaintiffs – Appellees’ position with regard to the motion to extend the response time to Plaintiffs – Appellees’ Motion to Dismiss. Plaintiffs – Appellees counsel indicated that they “agree[ed] to a 7 day extension provided we are all in agreement that the motion to dismiss appeal stays the merits briefing (our response brief and your reply) pursuant to Ninth Circuit Rule 27-11.” Sands is in agreement that Circuit Rule 27-11 stays the merits briefing pending this Court’s disposition of the motions to dismiss.

In light of the foregoing points and authorities, Sands respectfully requests that this Court enter an Order:

1. Granting him a seven day extension until June 19, 2017 in which to file a response to the Plaintiff – Appellees’ Motion to Dismiss (DktEntry 25-1).

RESPECTFULLY SUBMITTED this 8th day of June, 2017.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Craig Murdy

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF user, and service will be accomplished by the appellate CM/ECF system.

By /s/ M. Craig Murdy